IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO. 727 OF 2006

S.R. Pareta ... Petitioner

V/s.

Union of India & Ors. ... Respondents

Mr. S.V. Marne for the petitioner.
Mr. S.C. Dhawan, Addl. Sol. Gen. with Mr. T.J. Pandian.

CORAM : F.I. REBELLO,
ANOOP V. MOHTA,JJ.
DATED : 29th March, 2006

P.C.

. The petitioner has approached this Court against refusal to grant ad-interim relief in the matter pending with C.A.T. The learned Counsel has referred to us a Notification of Railways, Government of India dated 25.03.1967, that non-gazetted staff against whom disciplinary case is pending or is about to start should not normally be transferred from one Railway/Division to another Railway/Division till after the finalisation of the departmental or criminal proceedings, irrespective of whether the charges merit imposition of a major or minor penalty. Similarly reference is made to the supplementary circular dated 30.10.1998. It is set out therein that cases of staff repeatedly figuring in vigilance cases and where

penalties have been imposed, should be reviewed at appropriate level and such staff transferred on inter-divisional basis. On this basis the learned Counsel submits that though order of transfer is set out to be for administrative exigency, yet the transfer is unilateral and it is on account of disciplinary proceeding against the petitioner. From the circular referred to, it is sought to be contended that the staff could not have been transferred as thye will lose their seniority in their division. Once transferred, they cannot come back to the division from which they are transferred. On the other hand, on behalf of respondent, the learned Counsel has drawn attention to the case of Ticket checking staff as set out in the Board's letter dated 19.02.1986. It is set out therein that ticket checking staff detected indulging in malpractices, should be sent on inter-Divisional transfer, as a matter of policy. Similarly, there is another circular dated 26.06.2000, whereby it is set out that ticket checking staff detected to have indulged in malpractices should be sent on inter-Divisional transfer as a matter of policy.

2. The original application of the petitioner is

still pending before C.A.T. The learned Member of C.A.T. has only rejected the application for interim relief. In our opinion, it would not be a fit case at this stage to exercise our extra ordinary jurisdiction. For the aforesaid reasons, the petition is dismissed of.

[F.I. REBELLO, J.]

[ANOOP V. MOHTA, J.]